



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Maria PALASIS

Serial No.: 09/542,935

Filing Date: April 4, 2000

For: Insertable or Implantable Medical  
Devices Suitable for Gene Therapy  
Regimens

Art Unit : 1635

Examiner : B. Whiteman

Assistant Commissioner of Patents  
Washington, DC 20231

## RESPONSE TO RESTRICTION REQUIREMENT and PRELIMINARY AMENDMENT

S I R:

This is in response to the Communication from the Examiner mailed September 6, 2002 setting forth a shortened statutory response period of one month. Accordingly, this response is due on or before Monday, October 7, 2002.

The Examiner requires restriction to one of the following species:

- (i) a second polynucleotide carried by a carrier
- (ii) a protein
- (iii) a non-genetic therapeutic agent, or
- (iv) cells

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The Applicant elects without traverse, the species “a non-genetic therapeutic agent”, for prosecution in the present application.

The Examiner further requires restriction to a species of stents generically recited in claims 19 and 44. The Applicant elects without traverse, the species "a metallic stent", for prosecution in the present application.

The Examiner also requires election of a single species disclosed in claims 9